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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/048,103	05/31/2002	Tetsujiro Kondo	450101-03243	1517

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EXAMINER

ALAVI, AMIR

ART UNIT PAPER NUMBER

2621

DATE MAILED: 08/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/048,103

Applicant(s)

KONDO ET AL.

Examiner

Amir Alavi

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) 7-12, 20 and 23 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 13, 14, 19, 21, 22 and 24 is/are rejected.
- 7) ☒ Claim(s) 3-6 and 15-18 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 May 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>20020125</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

- Claims 7-12,20 and 23 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected Group II, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 22 April 2005.

Claim Rejections - 35 USC § 101

- 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

- Claims 22 and 24 are directed to non-statutory subject matter. " A recording medium having provided there a program which can be read by an information processing means".
- These claims are non-statutory because the terminology " A recording medium having provided there a program which can be read by an information processing means " alone has no set definition; in this regard, as recited in **MPEP 2106**, computer-related inventions are either nonfunctional descriptive material or functional descriptive material, computer programs fall into the second category, wherein, descriptions or expressions of the program, are not physical things, they are neither computer components nor statutory processes, as they are not acts being performed, such claimed computer programs do not define any structural and functional interrelationships between the computer program and other claimed elements of a computer which permit the computer program's functionality to be realized and are only statutory when recited as being embodied in a computer-readable storage medium.

Claim Rejections - 35 USC § 102

- The following is a quotation of the appropriate paragraphs of 35

U.S.C. 102 that form the basis for the rejections under this section made
in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

- Claims 1-2,13-14,19,21-22 and 24 are rejected under 35 U.S.C. 102(e) as
being anticipated by Ikeda (USPN 6,510,243 B1).

Regarding claim 1, Ikeda discloses: means for acquiring designation data from the user (please note, column 4, line 48. As indicated an image is read via the image scanner 106); means for coupling image data corresponding to the designation data to each other to group them (please note, column 4, line 51. As indicated the input image is segmented in units of M by N pixels. In this regard, Examiner considers the

summation of units to correspond to Applicant's coupling); means for detecting a feature of the image data corresponding to the designation data (please note, column 4, lines 64. As indicated attributes are appended in units of segmented regions. In this regard, Examiner considers these attributes to correspond to Applicant's features); and means for uncoupling the image data, coupled by the coupling means corresponding to the designation data, according to each feature of image data corresponding to the designation data in the same group (please note, column 6, lines 4-7. As indicated a word that serves as a retrieve criteria is designated, such designation may be attained by input operation of the operator on the display 104 or may be attained by switching the attribute constraint).

Regarding claim 2, Ikeda discloses: means for dividing the image data into small areas and the coupling means couples the small areas of the image data to each other to group them according to the designation data (please note, column 4, line 51. As indicated the input image is segmented in units of M by N pixels. In this regard, Examiner considers the summation of units to correspond to Applicant's coupling); the feature detecting means detects a feature of each of the small areas (please note, column 4, lines 64. As indicated attributes are appended in units of segmented regions. In this regard, Examiner considers these attributes to correspond to Applicant's features); and the uncoupling means uncouples the small areas having been coupled by the coupling means from each other according to the features of the small areas in the same group (please note, column 6, lines 4-7. As indicated a word that

serves as a retrieve criteria is designated, such designation may be attained by input operation of the operator on the display 104 or may be attained by switching the attribute constraint).

Regarding claims 13-14, arguments analogous to those presented for claims 1-2, respectively are applicable.

Regarding claims 19, 21-22 and 24, arguments analogous to those presented for claim 1, are applicable.

Allowable Subject Matter

- Claims 3-6 and 15-18 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- The following is a statement of reasons for the indication of allowable subject matter: None of the cited prior art disclose or reasonably suggest, "for wherein the coupling means couples small areas corresponding to earlier designation data and small areas corresponding to current designation data to each other by storing the same identifier information

as identifier information corresponding to the earlier designation data stored in a storage means so as to correspond to the small areas corresponding to the current designation data and the uncoupling means uncouples, when one of a plurality of small areas to which the same identifier information is appended by the coupling means is different in feature from other small areas, the one and other small areas from each other by changing the identifier information of the one small area to different one of the other small areas". The closest prior art, Ikeda (USPN 6,510,243 B1), discloses, wherein image data is input via an image scanner, the input image data is segmented into regions with a predetermined size, the contents of the segmented regions are analyzed, wherein neighboring segmented regions are coupled if they have the same analysis contents; while Takaha (USPN 6,021,221), discloses a method for designating an object image to be extracted is simplified, wherein positions of contour designation points are designated by employing an operation input apparatus so that a contour region of an initial region containing a desirable subjective object image is designated, either singularly or in combination, fail to anticipate or render the above underlined limitation obvious.

Other prior art cited

- The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Linder et al. (USPN 5,966,462) is pertinent as teaching method and system for processing and rendering object oriented neutral image data.

Takayanagi (USPN 5,680,226) is pertinent as teaching an image recording apparatus.

Evans (USPN 6,532,461 B2) is pertinent as teaching apparatus and methodology for submitting search queries.

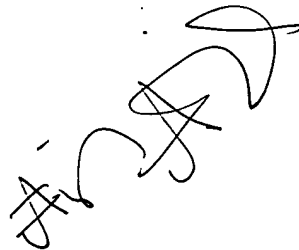
Granlund (USPN 6,862,367 B1) is pertinent as teaching artificial vision method and system.

Fredriksson (USPN 6,467,039 B1) is pertinent as teaching device in a system operating with can-protocol and in a control and/or supervision system.

Kondo et al. (USPAP 2002/0172421 A1) is pertinent as teaching communication system and method.

Contact Information

- Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amir Alavi whose telephone number is 571-272-7386.
- The examiner can normally be reached on Mon-Thu.. 8:00 am thru 6:30pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Joseph Mancuso can be reached on 571-272-7695.
- The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.
- For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to be 'Amir Alavi', written diagonally across the bottom right of the page.